

Introduced by Senator Kehoe

February 17, 2005

An act to amend Section 65302 of the Government Code, relating to general plans.

LEGISLATIVE COUNSEL'S DIGEST

SB 409, as introduced, Kehoe. General plans: air quality element.

(1) The Planning and Zoning Law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city, and of any land outside its boundaries that bears relation to its planning. That law requires the plan to include a conservation element for the conservation, development, and utilization of natural resources including water and its hydraulic force, forests, soils, rivers, and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. It requires that portion of the conservation element that includes water to be developed in coordination with any countywide water agency and other specified public water agencies.

This bill would, additionally, require that portion of the conservation element that includes waters to be correlated with the land use element.

By increasing the duties of local public officials, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 65302 of the Government Code is
2 amended to read:
3 65302. The general plan shall consist of a statement of
4 development policies and shall include a diagram or diagrams
5 and text setting forth objectives, principles, standards, and plan
6 proposals. The plan shall include the following elements:
7 (a) A land use element that designates the proposed general
8 distribution and general location and extent of the uses of the
9 land for housing, business, industry, open space, including
10 agriculture, natural resources, recreation, and enjoyment of
11 scenic beauty, education, public buildings and grounds, solid and
12 liquid waste disposal facilities, and other categories of public and
13 private uses of land. The land use element shall include a
14 statement of the standards of population density and building
15 intensity recommended for the various districts and other
16 territory covered by the plan. The land use element shall identify
17 areas covered by the plan which are subject to flooding and shall
18 be reviewed annually with respect to those areas. The land use
19 element shall also do both of the following:
20 (1) Designate in a land use category that provides for timber
21 production those parcels of real property zoned for timberland
22 production pursuant to the California Timberland Productivity
23 Act of 1982, Chapter 6.7 (commencing with Section 51100) of
24 Part 1 of Division 1 of Title 5.
25 (2) Consider the impact of new growth on military readiness
26 activities carried out on military bases, installations, and
27 operating and training areas, when proposing zoning ordinances
28 or designating land uses covered by the general plan for land, or
29 other territory adjacent to military facilities, or underlying
30 designated military aviation routes and airspace.
31 (A) In determining the impact of new growth on military
32 readiness activities, information provided by military facilities
33 shall be considered. Cities and counties shall address military

1 impacts based on information from the military and other
2 sources.

3 (B) The following definitions govern this paragraph:

4 (i) “Military readiness activities” mean all of the following:

5 (I) Training, support, and operations that prepare the men and
6 women of the military for combat.

7 (II) Operation, maintenance, and security of any military
8 installation.

9 (III) Testing of military equipment, vehicles, weapons, and
10 sensors for proper operation or suitability for combat use.

11 (ii) “Military installation” means a base, camp, post, station,
12 yard, center, homeport facility for any ship, or other activity
13 under the jurisdiction of the United States Department of Defense
14 as defined in paragraph (1) of subsection (e) of Section 2687 of
15 Title 10 of the United States Code.

16 (b) A circulation element consisting of the general location
17 and extent of existing and proposed major thoroughfares,
18 transportation routes, terminals, any military airports and ports,
19 and other local public utilities and facilities, all correlated with
20 the land use element of the plan.

21 (c) A housing element as provided in Article 10.6
22 (commencing with Section 65580).

23 (d) A conservation element for the conservation, development,
24 and utilization of natural resources including water and its
25 hydraulic force, forests, soils, rivers and other waters, harbors,
26 fisheries, wildlife, minerals, and other natural resources. The
27 conservation element shall consider the effect of development
28 within the jurisdiction, as described in the land use element, on
29 natural resources located on public lands, including military
30 installations. That portion of the conservation element including
31 waters shall *be correlated with the land use element and be*
32 developed in coordination with any countywide water agency
33 and with all district and city agencies that have developed,
34 served, controlled, or conserved water for any purpose for the
35 county or city for which the plan is prepared. Coordination shall
36 include the discussion and evaluation of any water supply and
37 demand information described in Section 65352.5, if that
38 information has been submitted by the water agency to the city or
39 county. The conservation element may also cover the following:

40 (1) The reclamation of land and waters.

1 (2) Prevention and control of the pollution of streams and
2 other waters.

3 (3) Regulation of the use of land in stream channels and other
4 areas required for the accomplishment of the conservation plan.

5 (4) Prevention, control, and correction of the erosion of soils,
6 beaches, and shores.

7 (5) Protection of watersheds.

8 (6) The location, quantity and quality of the rock, sand and
9 gravel resources.

10 (7) Flood control.

11 The conservation element shall be prepared and adopted no
12 later than December 31, 1973.

13 (e) An open-space element as provided in Article 10.5
14 (commencing with Section 65560).

15 (f) A noise element which shall identify and appraise noise
16 problems in the community. The noise element shall recognize
17 the guidelines established by the Office of Noise Control in the
18 State Department of Health Services and shall analyze and
19 quantify, to the extent practicable, as determined by the
20 legislative body, current and projected noise levels for all of the
21 following sources:

22 (1) Highways and freeways.

23 (2) Primary arterials and major local streets.

24 (3) Passenger and freight on-line railroad operations and
25 ground rapid transit systems.

26 (4) Commercial, general aviation, heliport, helistop, and
27 military airport operations, aircraft overflights, jet engine test
28 stands, and all other ground facilities and maintenance functions
29 related to airport operation.

30 (5) Local industrial plants, including, but not limited to,
31 railroad classification yards.

32 (6) Other ground stationary noise sources, including, but not
33 limited to, military installations, identified by local agencies as
34 contributing to the community noise environment.

35 Noise contours shall be shown for all of these sources and
36 stated in terms of community noise equivalent level (CNEL) or
37 day-night average level (L_{dn}). The noise contours shall be
38 prepared on the basis of noise monitoring or following generally
39 accepted noise modeling techniques for the various sources
40 identified in paragraphs (1) to (6), inclusive.

1 The noise contours shall be used as a guide for establishing a
2 pattern of land uses in the land use element that minimizes the
3 exposure of community residents to excessive noise.

4 The noise element shall include implementation measures and
5 possible solutions that address existing and foreseeable noise
6 problems, if any. The adopted noise element shall serve as a
7 guideline for compliance with the state's noise insulation
8 standards.

9 (g) A safety element for the protection of the community from
10 any unreasonable risks associated with the effects of seismically
11 induced surface rupture, ground shaking, ground failure, tsunami,
12 seiche, and dam failure; slope instability leading to mudslides
13 and landslides; subsidence, liquefaction and other seismic
14 hazards identified pursuant to Chapter 7.8 (commencing with
15 Section 2690) of the Public Resources Code, and other geologic
16 hazards known to the legislative body; flooding; and wild land
17 and urban fires. The safety element shall include mapping of
18 known seismic and other geologic hazards. It shall also address
19 evacuation routes, military installations, peakload water supply
20 requirements, and minimum road widths and clearances around
21 structures, as those items relate to identified fire and geologic
22 hazards.

23 (1) Prior to the periodic review of its general plan and prior to
24 preparing or revising its safety element, each city and county
25 shall consult the Division of Mines and Geology of the
26 Department of Conservation and the Office of Emergency
27 Services for the purpose of including information known by and
28 available to the department and the office required by this
29 subdivision.

30 (2) To the extent that a county's safety element is sufficiently
31 detailed and contains appropriate policies and programs for
32 adoption by a city, a city may adopt that portion of the county's
33 safety element that pertains to the city's planning area in
34 satisfaction of the requirement imposed by this subdivision.

35 SEC. 2. If the Commission on State Mandates determines that
36 this act contains costs mandated by the state, reimbursement to
37 local agencies and school districts for those costs shall be made
38 pursuant to Part 7 (commencing with Section 17500) of Division
39 4 of Title 2 of the Government Code.

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